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COMMISSION ON HUMAN RIGHTS

Fifty-seventh session

SUMMARY RECORD OF THE 72nd MEETING

Held at the Palais des Nations, Geneva,
on Monday, 23 April 2001 at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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(b) DISAPPEARANCES AND SUMMARY EXECUTIONS

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The meeting was called to order at 3.15 p.m.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

(a) TORTURE AND DETENTION

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(agenda item 11) (continued) (E/CN.4/2001/L.34, L.35, L.38, L.40, L.44, L.46, L.47, L.49, L.51, L.52, L.55 and L.56)

Draft resolution on human rights and terrorism (E/CN.4/2001/L.34)

1. Mr. DEMBRI (Algeria), introducing the draft resolution, said that the text reflected the international community's unequivocal condemnation of terrorism in all its forms, in accordance with relevant international instruments. There was growing recognition at the regional and international levels that terrorism constituted a violation of human rights. That recognition was implicit in paragraph 2 (a) of the resolution on the situation of human rights in Sierra Leone (E/CN.4/2001/L.27) recently adopted by the Commission without a vote. There was also a growing awareness of the need for concerted action to combat terrorism, which had acquired a transnational character. Three years previously, the Government of Switzerland had failed to respond appropriately to a request for the extradition to Belgium of a person accused of making death threats against the Belgian Prime Minister. The draft resolution under consideration was aimed at preventing such incidents and at improving international cooperation to combat terrorism. Moreover, the text did not in any way prejudice the right of peoples to self-determination. Given that all States had expressed their commitment to protecting the right to life - as evidenced, inter alia, by initiatives to abolish the death penalty - the Commission should be able to adopt the draft resolution by consensus.

2. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Brazil, Burundi, China, Costa Rica, Ecuador, Guatemala, Nigeria, Qatar and Senegal and the observers for Ethiopia, Lebanon and Oman had become sponsors of the draft resolution which had no financial implications.

3. Mr. LUKIYANTSEV (Russian Federation), urging support for the draft resolution, said that the Commission should send a clear signal condemning terrorist acts wherever they might be

committed. It must also state categorically that all terrorist acts constituted grave violations of human rights. The text was in full accordance with the progressive development of international law which provided for the recognition of non-State actors as violators of human rights.

4. Mr. MOOSE (United States of America), speaking in explanation of vote before the voting, said that recent events - including an attack on a United States ship of war - demonstrated that terrorism posed a continued danger to the international community, and that terrorists had no respect for human life. His Government was fully committed to combating terrorism, not least through international cooperation. It could not, however, support language that granted a measure of legitimacy to terrorists and terrorist organizations by equating their conduct with that of States.

5. The Commission was mandated to monitor compliance by States with human rights standards. Terrorists, however, were criminals, and had individual responsibility for their actions. The perpetuation of such confusion added nothing to the ability or obligation of States to cooperate in efforts to combat terrorism. Furthermore, the issue was best addressed in other forums, such as the Sixth Committee of the General Assembly.

6. Mr. NOIRFALISSE (Belgium), explaining the position on the draft resolution of the European Union and the associated countries of Bulgaria, Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, Slovakia and Slovenia, said that the Union reaffirmed its unequivocal condemnation of all acts, methods and practices of terrorism as criminal and unjustifiable, wherever and by whomever committed and whatever the considerations invoked in justification. The fight against terrorism remained a high priority for the Union, whose territory and inhabitants had often suffered from attacks by terrorist groups. Efforts to combat terrorism must always be in full accordance with international human rights law. As a matter of principle, the Union could not subscribe to the assertion that terrorist acts as such constituted human rights violations; in order to avoid conferring any legal status on terrorists, a clear distinction must be made between acts attributable to States, and criminal acts which were not attributable to States. The penultimate preambular paragraph and paragraphs 1 and 2 of the draft resolution were thus unacceptable to the Union. The Sixth Committee of the General Assembly was best suited to a thorough examination of the issue, which should, moreover, not be retained on the Commission's agenda.

7. Ms. NASCIMBENE DE DUMONT (Argentina) said that her Government strongly condemned terrorism in all its forms. Efforts to combat the phenomenon required firm commitments from all nations. National measures must also be strengthened by international measures, including at the standard-setting level. Her delegation agreed, however, that terrorist acts could not be equated with human rights violations. Only a State, as a subject of international law, could be said to violate human rights. Terrorist acts were serious criminal acts, and should be prosecuted as such. Her delegation would accordingly abstain from voting on the draft resolution.

8. Mr. NAESS (Norway) said that his Government was deeply committed to international efforts to combat terrorism. His delegation could not, however, support the draft resolution, since it agreed that the Sixth Committee of the General Assembly was the more appropriate

forum. Nor could it accept the assertion that terrorist groups committed violations of human rights. Although acts of terrorism could seriously affect the enjoyment of human rights, Governments alone were responsible for meeting their human rights obligations.

9. Mr. KHABBAZ-HAMOUI (Syrian Arab Republic) said that his delegation condemned terrorism in all its forms. The draft resolution contained no reference, however, to those United Nations resolutions which stressed the need for a universally acceptable definition of international terrorism. It was important to differentiate between terrorism and the struggle of peoples under colonial domination or foreign occupation to realize their right to self-determination.

10. At the request of the representative of the United States of America, a vote was taken by roll-call on the draft resolution.

11. Romania, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Algeria, Brazil, Burundi, Cameroon, China, Colombia, Costa Rica, Cuba, Democratic Republic of the Congo, Ecuador, Guatemala, India, Indonesia, Kenya, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mauritius, Mexico, Niger, Nigeria, Pakistan, Peru, Qatar, Russian Federation, Saudi Arabia, Senegal, Swaziland, Thailand, Uruguay, Viet Nam, Zambia.

Against: Belgium, Canada, Czech Republic, France, Germany, Italy, Latvia, Norway, Poland, Portugal, Romania, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Japan, Republic of Korea, South Africa, Syrian Arab Republic, Venezuela.

12. The draft resolution was adopted by 33 votes to 14, with 6 abstentions.

Draft resolution on hostage-taking (E/CN.4/2001/L.35)

13. Mr. LUKIYANTSEV (Russian Federation), introducing the draft resolution, said that the recent seizure of hostages in an Istanbul hotel by pro-Chechen terrorists represented an unjustifiable violation of human rights. It was also a further example of the transnational nature of a phenomenon which required decisive measures at the international level. Unlike similar draft resolutions, the text under consideration stressed the inadmissibility of hostage-taking and expressed solidarity with its victims. Since the draft resolution was in full accordance with the relevant international instruments, the Commission should be able to adopt it by consensus.

14. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Colombia, Mauritius, Pakistan and Spain and the observer for Nicaragua had become sponsors of the draft resolution, which had no financial implications.

15. The draft resolution was adopted.

Draft resolution on independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers (E/CN.4/2001/L.38)

16. Mr. DEKANY (Observer for Hungary) introduced the draft resolution which, he was confident, would receive wide support.

17. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Algeria, Argentina, Costa Rica, India, Japan, Nigeria, Republic of Korea, South Africa and Uruguay and the observers for Dominican Republic, Greece, Honduras and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution, which had no financial implications.

18. The draft resolution was adopted.

Draft decision on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms (E/CN.4/2001/L.40)

19. Mr. SALINAS (Observer for Chile), introducing the draft decision, said that it was of a procedural nature and was a follow-up to resolution 2000/41 which the Commission had adopted by consensus. It requested the High Commissioner for Human Rights to hold a consultative meeting in Geneva with a view to finalizing the "Basic principles and guidelines on the right to a remedy and reparation for victims of violations of international human rights and humanitarian law" on the basis of the comments submitted. In view of its importance, he hoped that the Commission would adopt the draft decision without a vote.

20. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Costa Rica, the Republic of Korea and South Africa had become sponsors of the draft decision.

21. Ms. WONG (Office of the High Commissioner for Human Rights) said that the consultative meeting requested would be held in Geneva in 2002 and would last three days. The estimated full cost for conference servicing would be US$ 64,000, and was based on the theoretical assumption that no part of the conference servicing requirements would be met from within the permanent capacity to be approved under section 2, General Assembly and Conference Services Affairs, of the programme budget for the biennium 2002/2003. However, provision had been included under that section not only for meetings programmed at the time of the budget preparation but also for meetings that might be authorized subsequently, provided that the number and distribution of meetings were consistent with the pattern of past years. On that basis, no additional resources would be required

22. The draft resolution was adopted.

Draft resolution on the question of arbitrary detention (E/CN.4/2001/L.44)

23. Mr. PETIT (France), introducing the draft resolution, said that the phenomenon of arbitrary arrests and detentions was still of great concern. The number of urgent appeals addressed to Governments by the Working Group on Arbitrary Detention continued to increase.

For the period under consideration, 107 appeals had been addressed to 45 Governments concerning 499 persons. During its three sessions in 2000, the Working Group had adopted 39 opinions concerning 115 persons in 21 countries, and had addressed 34 communications concerning 94 cases of allegedly arbitrary detention to 20 countries. The draft resolution once against encouraged Governments to implement the recommendations of the Working Group concerning persons detained for a number of years, to take appropriate steps to ensure that their legislation was in conformity with international standards, to have recourse to states of emergency only to the extent strictly required by the situation, and to deal rapidly with requests made by the Working Group. The draft resolution also noted the concerns expressed by the Working Group in its last report (E/CN.4/2001/14). Its sponsors hoped that, as in previous years, the draft resolution would be adopted by consensus.

24. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, Cameroon, Canada, Costa Rica, the Czech Republic, Ecuador, Norway, Romania, Senegal and South Africa and the observers for Albania, Austria, Belarus, Bulgaria, Georgia, Ireland, Liechtenstein, Sweden and the former Yugoslav Republic of Macedonia had become sponsors of the draft resolution.

25. Mr. DEMBRI (Algeria) said he had a general comment to make regarding the use of certain terms in the second paragraph. The point was that centres for administrative custody should cease to exist, and it was "administrative" custody - that which was not based on a court order - to which the paragraph should refer. His delegation wished to enter a reservation in that regard, but would not block a consensus on the draft resolution.

26. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft resolution had no financial implications.

27. The draft resolution was adopted.

Draft resolution on continuing dialogue on measures to promote and consolidate democracy (E/CN.4/2001/L.46)

28. Mr. DUMITRIU (Romania), introducing the draft resolution, highlighted those paragraphs whereby the Commission would encourage the development of broad-based democracy expertise drawn from all regions of the world, call for information sharing and improved coordination within the United Nations system and give an inclusive invitation to participate in the debates. Paragraph 9 described in a nutshell the action suggested by the resolution, whose message was constructive and contained only positive language. It had been submitted with the conviction that it would be adopted by consensus.

29. As a result of open-ended consultations, the sponsors had agreed to the introduction of a number of changes proposed by interested delegations, which had already been incorporated into the text. There was, however, one final change to be made to the seventh preambular paragraph, which should read: "*Recognizing and respecting* the rich and diverse nature of the community of the world's democracies, which arises out of all of the world's social, cultural and religious beliefs and traditions".

30. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, Brazil, Burundi, Cameroon, Colombia, Ecuador, Guatemala, Italy, Japan, Kenya, Nigeria, Senegal and Uruguay and the observers for Australia, Austria, Bulgaria, Finland, Greece, Israel, Luxembourg, Mongolia, Nepal, Netherlands, Nicaragua, the former Yugoslav Republic of Macedonia, Tunisia and Turkey had become sponsors of the draft resolution.

31. Mrs. de ARMAS GARCÍA (Cuba) announced that her delegation had decided to withdraw its amendment to the draft resolution (E/CN.4/2001/L.66) in order not to undermine a consensus. However, it could not accept the fifth preambular paragraph and requested a separate roll-call vote on it in which Cuba would vote against its retention. The text of the draft resolution should certainly refer to continuing dialogue on democracy, but not to meetings and forums that were outside the framework of the United Nations.

32. Mr. DEMBRI (Algeria) agreed, observing that, if reference were made to sectoral meetings of countries or groups of countries, reference could also have been made to meetings and seminars held under the auspices of the Organization of the Islamic Conference (OIC), the League of Arab States and the Organization of African Unity (OAU). Such forums, however, were not necessarily of a sufficiently universal character, and it was important to restrict any references to the United Nations framework only. The sponsors should give further consideration to the validity of that paragraph with a view to amending or deleting it.

33. Mr. DUMITRIU (Romania) said that the whole spirit of the draft resolution was one of inclusion, participation and openness, and no specific proposal had been made during the consultations regarding the addition of references to other meetings.

34. Mr. DEMBRI (Algeria) said that, although it was easier to vote on a paragraph, it was very important that an effort be made to achieve a consensus. References to sectoral meetings set a dangerous precedent for the Commission, whose rules of procedure allowed for an item to be deferred for consultations.

35. Mr. DUMITRIU (Romania) said that, although it was the dream of any sponsor of a resolution to achieve consensus, he did not feel that that would be the outcome of further consultations at the current stage.

36. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the draft resolution had no financial implications.

37. Mrs. de ARMAS GARCÍA (Cuba) inquired how, in that case, the seminars mentioned in the draft resolutions were to be funded.

38. Ms. WONG (Office of the High Commissioner for Human Rights) said that it was envisaged that the expert seminar referred to in paragraph 9 of the draft resolution, for which no provisions had been included in the proposed programme budget for 2002-2003, would be funded from extrabudgetary resources. There were, therefore, no financial implications for the regular budget. The funding was expected to come from voluntary contributions.

39. Mr. RAJA NUSHIRWAN (Malaysia), speaking in explanation of vote before the voting, said that his delegation was concerned at the attempt to incorporate in the fifth preambular paragraph the ministerial conference entitled "Towards a Community of Democracies", which had been held outside the ambit of the United Nations and had been organized to serve the interests of a particular State by having a preset agenda and a predetermined outcome. Although his own country had been invited, not all Member States had been and, indeed, a request for participation by some countries had been rejected outright. To include the reference to the conference would be tantamount to giving it the Commission's stamp of approval. No decision taken by a meeting not sanctioned by the United Nations, should be sneaked into the United Nations through the back door. His delegation would therefore vote against the retention of the fifth preambular paragraph but in favour of the rest of the draft resolution.

40. Mr. DEMBRI (Algeria), supported by Ms. LI Xiaomei (China), said that the reference to the ministerial conference was unacceptable for a number of reasons, since it was designed to advance the views of a particular country or group of countries. The rest of the draft resolution was perfectly appropriate, but the fifth preambular paragraph was partisan and his delegation would vote against its retention.

41. At the request of the representative of Cuba, a vote was taken by roll-call on the retention of the fifth preambular paragraph.

42. Madagascar, having been drawn by lot by the Chairperson, was called upon to vote first.

In favour: Argentina, Belgium, Brazil, Burundi, Cameroon, Canada, Colombia, Costa Rica, Czech Republic, Ecuador, France, Germany, Guatemala, India, Italy, Japan, Kenya, Latvia, Liberia, Mexico, Niger, Nigeria, Norway, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, South Africa, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, United States of America, Venezuela.

Against: Algeria, China, Cuba, Democratic Republic of the Congo, Libyan Arab Jamahiriya, Malaysia, Viet Nam, Zambia.

Abstaining: Indonesia, Madagascar, Mauritius, Pakistan, Qatar, Saudi Arabia, Swaziland, Syrian Arab Republic.

43. The fifth preambular paragraph was retained by 37 votes to 8, with 8 abstentions.

44. Mr. DEMBRI (Algeria), speaking in explanation of vote before the voting, said that, in true democratic fashion, his delegation would bow to the will of the majority regarding the fifth preambular paragraph and would vote for the draft resolution. Nevertheless, it still maintained its reservations concerning that paragraph, which set a strange precedent for the Commission in excluding some States from participation in international meetings.

45. Mrs. de ARMAS GARCÍA (Cuba) said that, as in the case of previous resolutions linking democracy and human rights, the current draft resolution sought to make two highly

controversial elements the cornerstone of intergovernmental dialogue on democracy. The first element was derived from meetings from which some countries had been excluded and which had been held outside the United Nations system because of the hegemonic political interests of Powers that routinely took upon themselves the right to judge which systems were democratic and which were not, in open contravention of the Vienna Declaration.

46. In the second place, the Secretary-General's report (A/55/489) to the General Assembly sought to establish new links between democracy and peace and security, including peacekeeping and peacemaking operations. The statement that the absence of democracy was one of the main causes of many current conflicts and therefore justified United Nations intervention could be used as a pretext for "humanitarian intervention". One aim of the draft resolution was to establish democracy assistance programmes. However, neither the Organization nor any of its organs was authorized to judge the electoral processes or the political systems of Member States; only the States themselves could determine their own procedures and their need for assistance. The United Nations should restrict itself to providing assistance that was requested, otherwise certain Powers would be able to manipulate United Nations institutions, while ensuring their immunity from legitimate discussion of their own problems. Her delegation would therefore be compelled to abstain from voting on the draft resolution.

47. Ms. LI Xiaomei (China) said that, while every country had the obligation to protect its people's democratic rights and political freedoms, it had the right to determine how it followed its path of development, in accordance with its own specific conditions. There was no one model of democracy and countries that had blindly followed alien models had failed to bring benefits to their people. Her delegation would therefore abstain from voting on the draft resolution.

48. Ms. AL-HAJJAJI (Libyan Arab Jamahiriya) said that her delegation would abstain, for a number of reasons. In the first place, none of the General Assembly and Commission resolutions mentioned in the first preambular paragraph had been adopted unanimously and, consequently, they lacked the authority to form the basis for further action. Secondly, not just the fifth preambular paragraph, with its endorsement of the outcome of meetings held outside the United Nations framework, but other paragraphs also contained terminology and concepts that had not been agreed upon by all Member States.

49. Specifically, paragraph 5 referred to recommendations by the Secretary-General, yet the debate on the recommendations at the fifty-fifth session of the General Assembly had reached no agreement on how they should be implemented. The same was true of paragraph 8, which concerned the promotion and consolidation of democracy: the question again arose as to whose definition of democracy was meant. Lastly, paragraph 9 committed OHCHR to a wide range of activities, without any indication of how the funding would be provided.

50. Mr. AKRAM (Pakistan) said that his delegation would vote for the draft resolution, given his country's commitment to democracy as enshrined in the Constitution. Democracy had diverse origins and different forms, all of which were legitimate if they expressed the wishes of the people. He therefore welcomed the form of words used in the seventh preambular paragraph and the sentiments of paragraph 2.

51. Democracy could not, however, coexist with foreign occupation and the suppression of people's rights to self-determination: a nation which vaunted its own democracy could not simultaneously suppress other peoples. The draft resolution was not perfect: the conferences mentioned in the fifth preambular paragraph had been partisan and exclusive.

52. At the request of the representative of Cuba, a vote was taken by roll-call on the draft resolution.

53. Canada, having been drawn by lot by the Chairperson, was called upon to vote first

In favour: Algeria, Argentina, Belgium, Brazil, Burundi, Cameroon, Canada, Colombia, Costa Rica, Czech Republic, Ecuador, France, Germany, Guatemala, India, Indonesia, Italy, Japan, Kenya, Latvia, Liberia, Madagascar, Malaysia, Mauritius, Mexico, Niger, Nigeria, Norway, Pakistan, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Senegal, South Africa, Spain, Thailand, United Kingdom of Great Britain and Northern Ireland, Uruguay, United States of America, Venezuela, Zambia.

Against: None.

Abstaining: China, Cuba, Democratic Republic of the Congo, Libyan Arab Jamahiriya, Qatar, Saudi Arabia, Swaziland, Syrian Arab Republic, Viet Nam.

54. The draft resolution was adopted by 44 votes to none, with 9 absentions.

55. Mr. SABHARWAL (India) said that his delegation had voted for the draft resolution because democracy was the natural guarantor of human rights, indeed the only acceptable form of government. His country had always supported efforts to strengthen democracy everywhere. A democracy should allow free play to a plurality of views and interests, together with a free press, an independent judiciary and accountable armed forces and other public authorities. Above all, there must be a democratically elected civilian Government.

56. It was to be hoped that the consensus sought by the sponsors of the draft resolution would not prevent their incorporating the core democratic values in future resolutions. They should also have the courage to identify countries where democracy had been damaged, sometimes under the pretext of restoring genuine democracy. He urged the United Nations to develop democratic assistance programmes, to be provided on request, in countries where the course of democracy had been derailed.

Draft resolution on torture and other cruel, inhuman or degrading treatment or punishment (E/CN.4/2001/L.47)

57. Ms. GLOVER (United Kingdom) said that discussions were currently under way that might expedite consideration of the draft resolution. She asked that its consideration should be postponed.

58. It was so decided.

Draft resolution on the elimination of all forms of religious intolerance (E/CN.4/2001/L.49)

59. Ms. DUFFY (Observer for Ireland), introducing the draft resolution, said that it condemned all violence based on religion or belief and reminded States that they had a duty to protect religious sites. It renewed the mandate of the Special Rapporteur for three years and welcomed inter alia the convening of an international consultative conference on school education in relation to freedom of religion and belief, to be held in Madrid later in the year. She hoped that the text could be adopted by consensus.

60. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Algeria, India, Mauritius, Republic of Korea, United States of America and Uruguay and the observers for Albania, Israel, the former Yugoslav Republic of Macedonia, Nicaragua, Panama, and the Philippines, had become sponsors of the draft resolution.

61. Ms. WONG (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur for three years. The cost of activities to implement that decision were estimated at US$ 60,000 per year and the relevant provisions had already been included in the Programme Budget for the current biennium and the proposed programme budget for the biennium 2002-2003.

62. The draft resolution was adopted.

Draft resolution on the incompatibility between democracy and racism (E/CN.4/2001/L.51)

63. Ms. ASSUMPCAO DO VALLE PEREIRA (Brazil), introducing the draft resolution, said that it condemned political platforms and organizations based on racism or xenophobia and asked the United Nations High Commissioner for Human Rights to submit an analytical report on the main trends regarding that subject. The timing of the draft resolution was very appropriate in view of the forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and she hoped that it would be adopted by consensus.

64. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Burundi, Colombia, India, Kenya, Pakistan, Russian Federation and Thailand and the observers for Bosnia and Herzegovina, Croatia, Georgia, the former Yugoslav Republic of Macedonia, Mongolia, Panama, Togo and Tunisia had become sponsors of the draft resolution, which had no financial implications.

65. The draft resolution was adopted.

Draft resolution on a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (E/CN.4/2001/L.52)

66. Ms. RUIZ DE ANGULO (Costa Rica), introducing the draft resolution, said that a mechanism of preventive visits to places of detention by a group of experts would make it possible to forestall many violations of the rights of detained persons. The draft resolution called

for the open-ended working group to meet for a further two week period so that it could complete its work on the draft optional protocol to the Convention. She hoped that the text would be adopted by consensus.

67. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Colombia and Senegal and the observers for Australia, Dominican Republic, Nepal and Panama had become sponsors of the draft resolution, which had no financial implication.

68. The draft resolution was adopted.

Draft resolution on extrajudicial, summary or arbitrary executions (E/CN.4/2001/L.55)

69. Mr. HUHTANIEMI (Observer for Finland), introducing the draft resolution, said that it would extend the mandate of the Special Rapporteur for three years and demand once again that Governments put an end to extrajudicial, summary or arbitrary executions. Impunity remained one of the root causes of the persistence of such executions. The draft resolution therefore called upon Governments to investigate all cases where a person's right to life had been violated, to bring those responsible to justice before a competent and independent tribunal and to ensure that such killings were neither condoned nor sanctioned. States must take measures to prevent the execution of any person under their jurisdiction, without distinction as to gender, race or sexual orientation.

70. He drew attention to a number of changes that had been made to the text. In the fourth line of paragraph 7, the words "killings of persons because of sexual orientation" should be replaced by the words "all killings committed for any discriminatory reason"; in the second line of paragraph 8 the words "reflected in" should be replaced by the words "assumed under"; and in paragraph 14, the last three lines after the word "concerned" should be replaced by: "to respond effectively to reliable information that comes before the Special Rapporteur, to follow up on communications and country visits and to seek the views and comments of Governments and to reflect them as appropriate in the elaboration of her reports". He hoped that the text could be adopted by consensus.

71. Mrs. IZE-CHARRIN (Secretary of the Commission) said that the representatives of Argentina, Cameroon, Ecuador, Guatemala, Madagascar, South Africa and Uruguay and the observers for Bosnia and Herzegovina, Haiti, the former Yugoslav Republic of Macedonia, Republic of Moldova, Morocco, Panama, and Ukraine had become sponsors of the draft resolution.

72. Ms. WONG (Office of the High Commissioner for Human Rights), outlining the financial implications, said that, under the terms of the draft resolution, the Commission would decide to extend the mandate of the Special Rapporteur for three years and would request her to submit her findings on an annual basis. The cost of implementing the decision was estimated at US$ 52,700 per year and the relevant provisions had been included in the Programme Budget for the current biennium and in the proposed programme budget for the biennium 2002-2003.

73. Mr. ERMAKOV (Russian Federation), having noted appreciatively the willingness of the observer for Finland to take account of the views of delegations that were not sponsors of the

draft resolution, said that the change to paragraph 14 reflected a suggestion made by his own delegation. The most important element of the Special Rapporteur's mandate was to engage in a respectful dialogue with Governments; accordingly, the latter's comments must be included in the report. One of the primary ways of verifying the information received was through contacts with Governments. The Commission should give special rapporteurs guidelines to help them focus their work; only then would the special mechanisms become institutions that truly promoted respect for human rights.

74. The draft resolution was adopted.

The meeting rose at 6 p.m.